

PATENT
ATTORNEY DOCKET NO.: MEDIV2020-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Carpenter et al. Art Unit: 1796
Application No.: 10/788,747 Examiner: C.E. Helm
Filed: February 26, 2004 Conf. No.: 8116
Title: BIOACTIVE STENTS AND METHODS FOR USE THEREOF

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RENEWED PETITION UNDER 37 C.F.R. § 1.137(b)

Sir:

Applicants are in receipt of the Decision on Petition under 37 CFR 1.37(b) mailed September 29, 2010 and respectfully request reconsideration of the Decision on the basis of this renewed petition.

BACKGROUND

Applicants submitted a petition under 37 CFR 1.137(b) on July 8, 2010 for the above identified application. A petition under this section must be accompanied by (1) the required reply unless previously submitted, (2) the fee under 37 CFR 1.17(m) required for revival of an unintentionally abandoned application, (3) a statement that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional and (4) any terminal disclaimer and required fee as set forth in 37 CFR 1.20(d).

The USPTO has confirmed that the petition fee of \$1,620.00 has been received from Applicants. Consequently item (2) has been satisfied.

The USPTO has confirmed that a proper statement that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition

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under 37 CFR 1.137(b) was unintentional has been received from Applicants. Consequently item (3) has been satisfied.

The USPTO has confirmed that no terminal disclaimer is required. Consequently, item (4) has been satisfied.

The USPTO has indicated that the instant petition lacks item (1) since the amendment submitted with Applicants' petition does not *prima facie* place the application in condition for allowance. Consequently, Applicants have herewith submitted a Request for Continued Examination for satisfaction of this requirement.

The fees for this filing total \$940.00, which consist of \$810.00 for the Request for Continued Examination fee pursuant to 37 CFR §1.17(e) and \$130.00 for the One (1) Month Extension of Time fee pursuant to 37 CFR §1.17(a)(1). The Commissioner is hereby authorized to charge this fee and any other fees associated with the filing submitted herewith or credit any overpayment to Deposit Account No. 07-1896.

Respectfully submitted,



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Date: December 2, 2010

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